

1999

THE AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE  
ASSEMBLY

*Firearms Act 1996*

Firearms Regulations (Amendment)  
Subordinate Law No. 17 of 1999

EXPLANATORY STATEMENT

Circulated by the authority of Gary Humphries MLA,  
Minister for Justice and Community Safety



# FIREARMS REGULATIONS (AMENDMENT)

## Outline

Section 126 of the *Firearms Act 1996* (the Act) provides that the Executive may make regulations for the purposes of the Act and specifies those matters for which the regulations may make provision.

The Firearms Regulations (the Regulations) support the Act. They provide for matters required, or permitted, to be prescribed in regulations made under the Act.

The Firearms Regulations (Amendment) (the Amendments) facilitate the possession and use of certain firearms by persons who:

- ⇒ are international sporting shooters to whom another Australian jurisdiction has issued a permit to possess and use such firearms;
- ⇒ are international sporting shooters to whom the ACT Registrar of firearms issues a permit authorising the possession and use of such firearms; or
- ⇒ are the holders of an inter-state licence authorising the possession and use of a Category C firearm.

Recognition of international temporary visitor permits, issued in a State or another Territory, and interstate category C firearms licences is required to authorise the possession or use of firearms by international, and interstate category C firearms, competitive shooters for shooting competition purposes in the Territory. The Amendments also provide for such recognition to cease to be effective where prescribed conditions are not satisfied.

The Amendments repeal Regulation 10A of the Firearms Regulations which authorised the possession and use of air guns by interstate operators of air gun shooting galleries for the duration of the 1999 Royal Canberra Show and the 1999 Canberra Day festivities. The Amendments substitute a new Regulation 10A which authorises the possession and use of air guns by interstate operators of air gun shooting galleries for future Royal Canberra Shows and Canberra National Multicultural Festivals.

Finally, the Amendments provide for several miscellaneous and formal amendments to the Regulations to renumber and alter certain regulations as specified in the Schedule.

### **Revenue/cost implications**

The Regulations will impose no additional costs on the Territory in relation to its hosting of competitive shooting events.

# FIREARMS REGULATIONS NO. 17 OF 1999

## Notes on Clauses

### Clause 1 - Commencement

**Clause 1** is a formal clause dealing with the commencement arrangements. The Amendments will commence on the same day that the substantive provisions of the *Firearms (Amendment) Act 1999* commence.

### Clause 2 - Principal Regulations

This clause explains that the regulations referred to as the "Principal Regulations" are the *Firearms Regulations*.

### Clause 3 - Substitution

Section 43 of the Act provides for the recognition of the authority to possess or use specified categories of firearms for limited purposes provided by licences issued in another jurisdiction. Section 43 also makes provision for the Regulations to prescribe a purpose and conditions for the possession or use of a firearm for which the recognition of an interstate licence is provided.

Section 43 of the Act enables the holder of an interstate firearms licence to possess and use a firearm of a kind to which a corresponding Territory licence applies if the holder of the interstate licence comes to the Territory for:

- (i) the purpose of participating in a shooting competition approved by the Registrar; or
- (ii) a prescribed purpose relating to the use and possession of a firearm.

Regulation 10A prescribed the operation of an air shooting gallery at either the 1999 Royal Canberra Show or 1999 Canberra National Multicultural Festival as such a purpose. This regulation is repealed and a new regulation substituted. The substituted subregulation 10A (1) prescribes the operation of an air gun shooting gallery at future Royal Canberra Shows or Canberra National Multicultural Festivals as a purpose for

which the possession or use of firearms by air gun shooting gallery operators at those events is authorised. The purpose of this amendment is to ensure that the operation of air gun shooting galleries at these events is authorised on an ongoing basis.

Subsection 43 (2) and paragraph 43 (3) (b) of the Act are to the effect that section 43 only authorises possession and use of a firearm if the holder of the interstate licence complies with prescribed conditions. New subregulation 10A (2) prescribes conditions for the purposes of subsection 43 (2) and paragraph 43 (3) (b). The conditions require:

- ⇒ compliance with the relevant safe storage requirements, contained in Part 5 of the Act, for the category of firearm to which the interstate licence being recognised applies; and
- ⇒ prohibits the interstate licensee from permitting an unauthorised person to possess or use a firearm in the licensee's possession.

For the purposes of paragraph 43 (3) (b) of the Act, new subregulation 10A (3) prescribes that the holder of an interstate licence must, in effect, meet the ACT's criteria for the issue of a licence for a category C firearm.

#### **Clause 4 - Repeal**

This clause repeals regulation 23 of the Regulations. Repealed regulation 23 enabled the Registrar to authorise an international visitor to the Territory to possess or use a firearm by permit where prescribed residency and licensing pre-conditions were satisfied. Consistent with the principle that provisions dealing with the granting and withdrawal of such authority are generally more appropriately located in primary legislation this provision was incorporated into section 45A of the Act.

#### **Clause 5 - Substitution**

Subsection 47 (1) of the Act provides for the Regulations to prescribe the manner in which to apply for a permit.

This clause repeals regulation 29 and substitutes a new regulation 29 in the Regulations. In accordance with subsection 47 (1) of the Act, the repealed

regulation 29 prescribed that an application for a permit would be made by lodging it personally at the Firearms Registry and also provided the Registrar with a discretion to refuse to issue a permit unless satisfied of the applicant's identity.

For the purpose of subsection 47 (1) of the Act, new regulation 29 prescribes that an application for an international temporary visitor permit must be lodged at the Firearms Registry not less than 30 days prior to the applicant's arrival in the Territory unless the Registrar allows a shorter period. Subparagraph 29 (2) (a) (ii) enables the Registrar to accept permit applications within a shorter period where satisfied that exceptional circumstances prevented the lodgement of the application at least 30 days prior to the applicant's arrival in the Territory. Paragraph 29 (1) (b) prescribes that an application for any other permit must be lodged personally at the Firearms Registry. Subregulation 29 (2) also prescribes the information and documentation which must accompany an application.

For the purpose of subsection 46 (5) of the Act, subregulation 29 (3) enables the Registrar to refuse to issue a permit unless the applicant provides sufficient proof of his or her identity.

Clause 5 also inserts a new regulation 29A which, for the purpose of subsection 47 (2) of the Act, requires an international temporary visitor permit to contain a range of information concerning the permit holder, the firearm for which the permit is issued, the permit conditions and a photograph of the permit holder.

#### **Clause 6 - Photograph on permits**

This regulation amends regulation 30 of the Regulations to the effect that the requirement that a permit contain a photograph of the permit holder, which has been obtained in accordance with arrangements determined by the Registrar does not apply to a permit issued to an international visitor. The reason for this is to provide international visitors applying for a permit from outside Australia with an alternative to the current permit issuing process which requires that an applicant for a permit personally attend at the Firearms Registry to be photographed in order that an electronic image of the applicant can be imposed on to the applicant's permit.

## **Clause 7 - Insertion**

Paragraph 47 (3) (a) of the Act provides for the Regulations to prescribe, or provide for the Registrar to impose or determine, the conditions to which a permit shall be subject.

This clause inserts a new regulation 30A which, for the purposes of paragraph 47 (3) (a), prescribes the conditions to which a permit issued under section 45A of the Act shall be subject.

They are that an international temporary visitor permit holder:

- only possess or use a firearm for the purpose stated on the permit;
- must comply with the relevant safe storage requirements, for the category of firearm, of Part 5 of the Act;
- will not permit any unauthorised person to possess or use a firearm in the permit holder's possession; and
- will carry the permit whenever in possession of, or using, the firearm for which the permit is provided and produce the permit to a police officer on request.

Section 49A of the Act provides for the recognition of the authority of an international shooter to possess or use a firearm where an international temporary visitor permit has been issued to the shooter in another jurisdiction. This recognition is subject to compliance with any conditions prescribed pursuant to paragraph 49A (2) (b). For the purpose of that paragraph subregulation 30A (2) prescribes that the same conditions as will apply to the holder of a permit issued by the Registrar will also apply to an international shooter who relies on an interstate permit as the basis for possession and use of a firearm in the ACT.

## **Clause 8 - Miscellaneous and formal amendments**

This clause makes several miscellaneous and formal amendments to the Regulations to renumber and alter certain regulations. The amendments are specified in the Schedule.